

## Message Text

CONFIDENTIAL

PAGE 01 SANTIA 03746 262315Z

17

ACTION ARA-20

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

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TO SECSTATE WASHDC 9156

INFO AMEMBASSY ASUNCION

AMEMBASSY BRASILIA

AMEMBASSY BUENOS AIRES

AMEMBASSY LA PAZ

AMEMBASSY LIMA

AMEMBASSY MONTEVIDEO

USCINCSO POLAD

C O N F I D E N T I A L SANTIAGO 3746

EO 11652: GDS

TAGS: CI, PGOV, PINT

SUBJ: STATUTE ON SINGLE EXECUTIVE ISSUED

REF: SANTIAGO 3645 NOTAL

1. SUMMARY. DECREE LAW ASSIGNING ALL CONSTITUENT, LEGISLATIVE, AND EXECUTIVE POWERS TO JUNTA AND NAMING JUNTA PRESIDENT AS CHIEF EXECUTIVE ISSUED JUNE 26. DECREE LAW ENUMERATES SPECIFIC POWERS WHICH JUNTA PRESIDENT MAY EXERCISE AND AUTHORIZES HIM ALL OTHER POWERS GRANTED BY CONSTITUTION TO PRESIDENT OF THE REPUBLIC. STATUTE ALSO SPECIFIES PROCEDURE FOR FILLING VACANCIES. SPECIFIC DUTIES OF OTHER THREE JUNTA MEMBERS WILL APPARENTLY BE DETAILED IN SUBSEQUENT DECREE LAW. IN SPITE OF SWEEPING GRANT OF POWERS TO JUNTA PRESIDENT (PINOCHET), WE STILL SEE HIS REAL DECISION-MAKING POWERS AS LIMITED, SINCE IN CERTAIN IMPORTANT AREAS HE MUST OBTAIN APPROVAL OF OR CONSULT WITH  
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PAGE 02 SANTIA 03746 262315Z

JUNTA. END SUMMARY.

2. DECREE LAW 527, DATED JUNE 17 AND ENTITLED "STATUTE OF THE GOVERNING JUNTA" AND SIGNED BY ALL FOUR MEMBERS WAS PUBLISHED IN DIARIO OFICIAL JUNE 26. TEXT BEING TRANSMITTED UNDER COVER SEPAIR.

3. FIRST TITLE DECLARES JUNTA HAS ASSUMED "CONSTITUENT, LEGISLATIVE, AND EXECUTIVE POWERS", PROVIDES JUNTA DECISIONS WILL BE UNANIMOUS, AND REITERATES INDEPENDENCE OF JUDICIARY.

4. TITLE TWO STATES JUNTA WILL EXERCISE CONSTITUENT AND LEGISLATIVE POWERS THROUGH ISSUANCE OF DECREE LAWS, SPECIFYING EIGHT GENERAL SUBJECT AREAS. A "COMPLEMENTARY" DECREE LAW TO THIS ONE WILL BE ISSUED "TO ESTABLISH THE WORKING BODIES AND PROCEDURES TO BE USED BY THE JUNTA". COMMENT. THIS IS PRESUMABLY A REFERENCE TO THE ECONOMIC, SOCIAL, AND AGRICULTURAL COMMITTEES CHAIRED BY OTHER THREE JUNTA MEMBERS. THERE IS NO OTHER REFERENCE TO THRESE COMMITTEES IN THIS STATUTE. END COMMENT.

5. TITLE THREE ON EXECUTIVE POWERS NAMES JUNTA PRESIDENT AS "SUPREME CHIEF OF THE NATION" (JEFE SUPREMO DE LA NACION) AND VESTS ALL EXECUTIVE AUTHORITY IN HIM. PRESIDENT OF JUNTA IS DEFINED AS FIRST IN ORDER OF PRECEDENCE (SEE BELOW). ANOTHER ARTICLE PROVIDES, HOWEVER, THAT THE OTHER JUNTA MEMBERS "WILL COLLABORATE WITH JUNTA PRESIDNNT IN THE EXERCISE OF EXECUTIVE FUNCTIONS". FOURTEEN POWERS ARE SPECIFIED WHICH JUNTA PRESIDENT IS EMPOWERED TO EXERCISE, ALTHOUGH POWER TO NAME CABINET OFFICERS, DIPLOMATIC AGENTS, AND PROVINCIAL GOVERNORS (INTENDENTES) MUST BE BY AGREEMENT OF ENTIRE JUNTA. SEVERAL OTHER POWERS INCLUDING APPOINTMENT OF JUDGES, ISSUANCE OF PARDONS, AND ORGANIZATION AND DISTRIBUTION OF ARMED FORCES SPECIFICALLY PROVIDE THAT PRESIDENT "WILL TAKE INTO ACCOUNT" OPINION OF OTHER JUNTA MEMBERS. FIFTEENTH PROVISION EMPOWERS JUNTA PRESIDENT TO EXERCISE "ALL OTHER ATTRIBUTES WHICH THE CONSTITUTION AND THE LAWS GRANT TO THE PRESIDENT OF THE REPUBLIC."

6. FOURTH TITLE PROVIDES ORDER OF PRECEDENCE AS CINCS OF ARMY, NAVY, AIR FORCE AND CARABINEROS. IF JUNTA PRESIDENT IS ILL, OUT OF COUNTRY, OR OTHERWISE TEMPORARILY PREVENTED FROM EXERCISING POWERS OF HIS OFFICE, NEXT RANKING JUNTA MEMBER BECOMES CONFIDENTIAL

CONFIDENTIAL

PAGE 03 SANTIA 03746 262315Z

ACTING JUNTA PRESIDENT. ANY TEMPORARY VACANCY ON JUNTA WILL BE FILLED BY NEXT RANKING OFFICER OF CONCERNED SERVICE WHO BECOMES JUNTA'S LOWEST-RANKING MEMBER. IF PERMANENT REPLACEMENT FOR A JUNTA MEMBER IS REQUIRED, ENTIRE JUNTA WILL DESIGNATE SERVICE CINC, WHO BECOMES JUNTA'S LOWEST RANKING MEMBER.

7. COMMENT: PUBLICATION OF DECREE LAW MARKS FURTHER STEP IN GIVING JUNTA MORE PERMANENT AND ELABORATE ORGANIZATIONAL

FORM. WHILE TEXT REFLECTS INCREASED AUTHORITY OF PRESIDENT VIS-A-VIS OTHER JUNTA MEMBERS, IT BY NO MEANS GIVES HIM UNLIMITED AUTHORITY: IN PARTICULAR, JUNTA AS A WHOLE, THROUGH ITS EXERCISE OF LEGISLATIVE FUNCTION AND ITS CHECKS ON CERTAIN PRESIDENTIAL ACTIONS, WILL STILL RETAIN VERY CONSIDERABLE POWER.

8. NEW DECREE LAW WAS PROMPTED IN PART BY DIFFICULTY OF OBTAINING TIMELY DECISIONS UNDER CUMBERSOME, INTER-SERVICE JUNTA STRUCTURE. WHILE THERE MAY BE SOME IMPROVEMENT UNDER NEW SYSTEM, WE BELIEVE IT WOULD TAKE MORE FAR-REACHING CHANGE TO STREAMLINE CURRENT CHILEAN ADMINISTRATIVE PRACTICE IN ANY SUBSTANTIAL WAY. A FINAL POINT: NO WORD HAS BEEN SPOKEN REGARDING IMPACT OF THIS NEW AND PURPORTEDLY MORE PERMANENT STRUCTURE ON THE WORK OF THE COMMISSION ENTRUSTED WITH TASK OF DRAFTING A NEW CHILEAN CONSTITUTION. RESTORATION OF CIVILIAN GOVERNMENT UNDER A NEW CHILEAN CONSTITUTION REMAINS FAIRLY FAR IN THE FUTURE. END COMMENT.  
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## Message Attributes

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